

REMARKS

Claims 1-3, 5-10 and 12-16 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers claims 3 and 10 to contain allowable subject matter. It is further pointed out that dependent claims 15 and 16 depend from these allowable claims and as such are also considered to be allowable.

Telephone Interview

Applicants note with appreciation the discussion conducted on March 31, 2006 with Examiner Kunemund. Applicants asked the Examiner which of the amendments presented in the paper of March 10, 2006 was considered to constitute new matter, since the Advisory Action did not indicate this. The Examiner indicated that the “deep” ultraviolet and the composition of aluminum being 20% or greater were considered to be new matter. It was agreed that Applicants would indicate where basis for these features were found in the specification.

New Matter

In regard to the reference to “deep” ultraviolet the Examiner is referred to page 15, lines 6 and 14. It is also mentioned on page 4, line 3.

In regard to the composition of aluminum being 20% or greater, Applicants point out that page 49, line 10 indicates that the composition of aluminum can be from 0 to 100%. While this

range does not specifically state 20% or greater, it is clearly contained within the overall range. Further, it should be noted that page 3, the last two lines indicate that in the prior art it is extremely difficult to prepare this type of semiconductor with a high aluminum composition ratio of 20% or higher. Since the total range 0 to 100% is given with regard to the present invention and since the prior art is described as not being able to achieve this 20% or greater, Applicants submit the basis for this limitation is present in the specification. Thus, this does not constitute new matter.

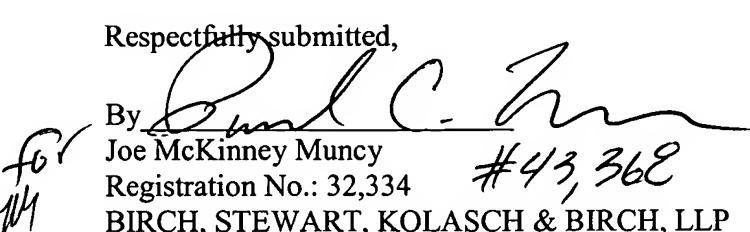
Conclusion

In view of the above, Applicants submit that the previously filed Amendment does not include any new matter and that the application is now in condition for allowance.

Dated: April 10, 2006

Respectfully submitted,

By


Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant